REMARKS

This application has been carefully reviewed in light of the Office Action and Interview Summary mailed February 3, 2004. Claims 1-17 are currently pending. Applicants appreciate the Examiner's efforts to review this case. Applicants' prior response attempted to clarify the patentable aspects of the claimed invention. This response is provided to further clarify the patentable aspects of the claimed invention and to distinguish the claimed invention from the cited references and the Examiner's perception of the scope of the cited references. This response was not earlier presented, and is therefore presented herein, due to the realization that the patentable aspects of the claimed invention presented earlier have not been specifically appreciated by the Examiner in order to attain a clear understanding of the claimed invention. Claims 1, 7, and 17 have been amended. Applicants respectfully submit that these amendments do not contain new matter. Reconsideration and allowance of Claims 1-17 is respectfully requested in view of the foregoing amendments and the following remarks.

Interview Summary

In a telephone interview on January 27, 2004 between Examiner M. Irshadullah and Applicants' attorneys, Samir Bhavsar and Tom Reger, agreement was reached that external device 58 in Figure 1 is external to Applicants' System 10. Applicants thank the Examiner for the courtesy of his telephone call.

Section 102 Rejections

The Examiner rejects Claims 1-17 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 5,726,914 to Janovski et al ("*Janovski*"). With respect to anticipation under §102, the Federal Circuit has consistently adhered to the basic principle that: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

Claim 1 recites, in part, "A computer-implementable method for importing external productivity data into a performance evaluation system, comprising ... storing a plurality of

user-defined data elements for an evaluation process ... storing a user-defined configuration table for a third-party data file generated by a third-party application, the third party data file comprising external productivity data, the configuration table associating external productivity data items in the third-party data file with the user-defined data elements ... mapping external productivity data items from the third-party data file to the data elements based on the configuration table ... and inserting the external productivity data items into a plurality of productivity tables based on the mapping of the external productivity data items to the data elements, the external productivity data items inserted into the productivity tables capable of being used to calculate productivity scores for the evaluation process." Applicants respectfully submit that *Janovski* fails to teach, suggest, or disclose various aspects of Claim 1. For example, *Janovski* fails to teach "storing a user-defined configuration table for a data file generated by a third-party application, the third party data file comprising external productivity data" as recited, in part by amended Claim 1.

Instead, *Janovski* discloses that customer data, which the Office Action incorrectly equates with the "third party data file" recited in Claim 1, consists of data gathered, collected, or otherwise obtained by collection circuit 120 using internal instructions or algorithms. *See, e.g., Janovski*, 1:58-63; *id.*, 2:9-15; *id.*, 3:18-29; *id.*, 4:42-49. These instructions, procedures, or algorithms are stored internally in performance library 113 and configured internally using performance configuration circuit 114 to, for example, convert and categorize the customer data into performance data. *See Janovski*, FIGURE 6; *id.*, 3:27-29; *id.*, 3:55-65; *id.*, 4:29-32; *id.*, 4:45-48; *id.*, 11:46-53. In other words, *Janovski* teaches that the data collection algorithms are internally configured, customized, stored, and executed. Applicants further note that the Office Action (as well as prior Office Actions) repeatedly equates "external" with "third party." Applicants respectfully assert that this is improper under MPEP §2106 because it fails to consider every limitation in the present claims. Moreover, the Office Action fails to provide support for such an interpretation. *See* MPEP §2111.01. Accordingly, *Janovski* does not teach, suggest, or disclose "storing a user-defined configuration table for a data file generated by a third-party application, the third party data file comprising external productivity data" as recited, in part, by Claim 1.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claim 1. Claims 2-6 and 9-10 depend from Claim 1 shown above to be allowable. For at least these reasons, Applicants respectfully request reconsideration and allowance of Claims 2-6 and 9-10. For at least the reasons stated above with regard to Claim 1, Applicants respectfully request reconsideration and allowance of independent Claims 7 and 17. For at least the reasons stated above with regard to Claim 2-6 and 9-10, and because Claims 8 and 11-16 depend from an independent claim shown above to be allowable, Applicants respectfully request reconsideration and allowance of Claims 8 and 11-16.

CONCLUSION

Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicants respectfully request allowance of all pending claims.

If the Examiner feels that prosecution of the present Application may be advanced in any way by a telephone conference, the Examiner is invited to contact the undersigned attorney at 214-953-6581.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees necessary for advancement of the prosecution of this case or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants

Samir A. Bhavsar
Reg. No. 41,617

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BAKER BOTTS L.L.P.
2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
(214) 953-6581

Customer Number: **05073**